



Docket No.: 1293.1767

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Seung-hoon KIM

Serial No. 10/602,630

Group Art Unit: 2627

Confirmation No. 8987

Filed: June 25, 2003

Examiner: Van T. Pham

For: APPARATUS AND METHOD FOR DETECTING POSITION OF A PICKUP

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features in the Notice of Allowance mailed June 5, 2006.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

In the "Allowable Subject Matter", the Examiner characterizes certain features of identified claims which the Examiner states that the prior art of record does not disclose. It is submitted that the Examiner's statement is not an accurate quote with respect to each of the allowed claims. It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is submitted that the claims provide their own best evidence as to the reasons for allowance. By way of example and not



Serial No. 10/602,630

limitation, claim 8 does not include the language "the pickup is determined to be located in an area of more than 90 minutes of the optical disc based on an absolute time-code in pre-groove (ATIP) information recorded on the optical disc, read by the pickup, and provided to the controller" referenced in the statement.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 23, 2006

By:

Paul F. Daebeler
Paul F. Daebeler
Registration No. 35,852

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501